

## REMARKS

This is intended as a full and complete response to the Office Action dated December 9, 2005, having a shortened statutory period for response set to expire on March 9, 2006. Please reconsider the claims pending in the application for reasons discussed below.

### ***Claim Rejections - 35 U.S.C. § 103***

Claim 1 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Liao* (U.S. Pub. No. 2004/0021462) in view of *Chen* (U.S. Pat. No. 6,763,598). In response, Applicants respectfully traverse the rejection.

Claim 1 recites the limitation of “an auxiliary base attachable to the base to provide leveling adjustments.” The Examiner states that “*Liao* discloses a laser level assembly comprising a base (20) having... an auxiliary base attachable to the base to provide leveling adjustments.” However, *Liao* is silent with respect to any such auxiliary base. The laser level taught in *Liao* attaches directly onto various supporting surfaces by the metal frame 20 as described in paragraph [0030]. Furthermore, no aspect of the laser level disclosed in *Liao* enables leveling adjustments to be made. Applicants additionally submit that *Chen* fails to overcome this deficiency of *Liao*.

Therefore, *Liao* in view of *Chen* fails to teach, show or suggest each and every element of claim 1. Applicants submit that claim 1 is allowable. Accordingly, Applicants respectfully request withdrawal of the rejection and allowance of the claim.

Claims 35 and 37 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Liao* in view of *Gingras* (U.S. Pat. No. 6,253,670). Claim 36 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Liao* and *Gingras* in view of *Chen*. Applicants have canceled claims 35-37 without prejudice thereby obviating the obviousness rejections.

### ***Allowable Subject Matter***

Claims 2, 4-10, 12-15, 20, 21, 33, 34, 38 and 40 are allowed. Applicants acknowledge allowance of these claims.

***Conclusion***

The references cited by the Examiner, alone or in combination, do not teach, show, or suggest the invention as claimed. Having addressed all issues set out in the office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "C. E. Hardie", is written over a horizontal line.

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